Criminal Revision No.709 of 1993

IN THE HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT CHANDIGARH

...

Sukhsehaj Singh **...** Petitioner

VERSUS

Sohan Singh and another **...** Respondents

1. Whether the Reporters of Local Newspapers may be allowed to see the judgment ?

2. To be referred to the Reporters or not ?

3. Whether the judgment should be reported in the Digest ?

CORAM :

HON'BLE MR. JUSTICE MOHINDER PAL.

Present: None for the petitioner.

None for respondent No.1.

Mr. P.S. Garewal, Assistant Advocate General, Punjab, for respondent No.2.

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MOHINDER PAL, J.

Sohan Singh (respondent No.1) was sent up for trial for the offences punishable under Sections 379 and 427 of the Indian Penal Code (hereinafter referred to as `the Code'). The Sub

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Divisional Judicial Magistrate, Zira, vide judgment and sentence order dated May 28, 1992, convicted the petitioner under Sections 379 and 427 of the Code and sentenced him to undergo maximum rigorous imprisonment for six months besides imposing a fine of Rs.200/- and in default of payment of fine to undergo further rigorous imprisonment for one month. Feeling aggrieved against his conviction and sentence, Sohan Singh (respondent No.1) filed an appeal before the Court of Session at Ferozepur. Vide judgment dated May 12, 1993, the learned Sessions Judge, Ferozepur, maintained the conviction order passed by the trial Court but modified the sentence order to the effect that Sohan Singh was ordered to be released on probation on his furnishing personal bond in the sum of Rs.5,000/- with one surety in the like amount undertaking to appear and receive sentence when called within a period of one year and in the meantime to keep peace and be of good behaviour. With this modification in the sentence, the learned Sessions Judge dismissed the appeal. Now, this revision petition has been preferred by Sukhsehaj Singh (complainant) to challenge the judgment dated May 12, 1993, passed by Sessions Judge, Ferozepur.

2. No one has put in appearance on behalf of complainant -petitioner Sukhsehaj Singh and accused-respondent No.1 Sohan Singh. I have gone through the records with the assistance of the learned Assistant Advocate General, Punjab, representing the State.

3. The allegation against Sohan Singh (respondent No.1) was that he removed `Kikkar' trees from plot No.9, which was under the ownership and possession of complainant-petitioner Sukhsehaj Singh. A perusal of the evidence shows that earlier this plot remained in possession of Sohan Singh (accused-respondent No.1) for many years. It is an admitted fact that plot No.9 was owned by the Government and was later on allotted to the complainant vide allotment order dated August 05, 1971 Exhibit P.W.4/A Complainant purchased it in an open auction. In these circumstances, the learned Sessions Judge released Sohan Singh on probation of good conduct finding that he had cut the `Kikkar' trees believing that he was owner of the trees or he would have planted the same in the plot in dispute as he remained in its possession for many years. The matter relates to the year 1990 and the order releasing Sohan Singh on probation for a period of one year was passed by the learned Sessions Judge, Ferozepur, as far back as on May 12, 1993. No fault can be found with the same. Resultantly, this revision petition is dismissed.

November 21, 2007. **(MOHINDER PAL)**
ak **JUDGE**